



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY
WET 2002-23

July 17, 2002

Mr. & Ms. Darrin Soumis
PO Box 887
Rindge, NH 03461

RE DES Wetlands File #2002-00955 Middle Winchendon Rd, Rindge

Dear Mr. and Ms. Soumis:

On May 31, 2002, personnel from the Department of Environmental Services ("DES") conducted a field investigation of property you own in Rindge, NH, more particularly identified on Town of Rindge Tax Map 6 as Lot 42-5 (the "Property"). The purpose of the investigation was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law and NH Code of Administrative Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Approximately 4,000 square feet of a forested wetland area had been dredged and filled to construct a road for an ATV course.
2. Approximately 75 linear feet of a seasonal stream that travels through the forested wetland had been dredged to a depth of approximately 2.5 feet. The areas of impact were not stabilized.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. A permit is required from the DES Wetlands Bureau before doing any work in a jurisdictional area, in this case, a forested wetland. Dredging and filling 4,000 square feet of a forested wetland is considered a minor project (Wt 303.03) and exceeds the minimum impact criteria for installation of a culvert, pole, or rock ford and associated fill to permit vehicular access to a piece of property for recreational use [Wt 303.04, (z)] and would therefore not be permitted under RSA 482-A:3 XII.

Therefore, DES requests that the following measures be taken to bring the property into compliance:

- 1) Immediately stabilize the seasonal stream banks by mulching with straw and properly installing silt fence.
- 2) Within 20 days of this Letter of Deficiency retain the services of a qualified wetland scientist to prepare a restoration plan.
- 3) Within 10 days submit documentation to DES that a qualified wetland scientist has been retained.
- 4) Submit a restoration plan within 60 days to DES for restoration of approximately 4,000 square feet of forested wetland and seasonal stream channel. The restoration plan should include:
 - a) A plan with dimensions, drawn to scale, indicating:
 - (1) Delineation of the wetlands prior to dredging and filling; and
 - (2) Delineation of the existing conditions showing the extent of the dredging and filling.
 - b) A plan showing current and proposed topographic elevations including cross sections and a plan for re-establishing the wetland to its original footprint
 - c) A proposed means for erosion and sediment controls, such as silt fence, hay bales, etc.;
 - d) A proposed planting plan for the reestablishment of forest wetland vegetation
 - e) A proposed construction sequence listing equipment, and methods for accomplishing restoration no later than August 23, 2002, and;
 - f) A proposed monitoring plan, including at least two restoration progress assessment reports to be filed with DES.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Issuance of this letter shall not preclude further enforcement by DES.

Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this letter of Deficiency should be addressed as follows

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 1778

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Mark Harbaugh, DES Enforcement Attorney
Rindge Conservation Commission
Rindge Board of Selectmen
David Killoy, USACOE